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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STEVENS, ROBERT

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,012

Applicant(s)

KERR, JOHN M.

Examiner

Robert M Stevens

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment filed 11/18/2005 to the original application filed 7/26/2001 by Kerr entitled "System and Method for Indicating a Measure of Content Copy Fitting".
2. The Office withdraws the First Action On the Merits (FAOM) objections to the specification in light of the amendment and Applicant's implicit guarantee that no other spelling/grammatical/etc. errors exist throughout the specification (including drawings and claims).
3. The Office withdraws the 35 USC 112 2nd paragraph rejections raised in the FAOM, in view of the amendment.
4. The Office maintains the 35 USC 112 1st paragraph rejections raised in the FAOM, in view of the amendment.
5. The Office maintains all FAOM rejections of claims 1-24 under 35 USC 35 USC 103(a).
6. Claims 1-24 are pending. Claims 1, 7, 13 and 19 are independent.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 4-6, 9-12, 14-18 and 20-24 are rejected under 35 U.S.C. 112, first paragraph,** as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 4-6, there is a lack of enablement as to how colors are displayed in (associated with) a text fill box.

Regarding claims 9-12, there is a lack of enablement as to how colors are displayed in (associated with) a text fill box.

Regarding claims 14-18, there is a lack of enablement as to how color codes are associated with a measure of copy fitting.

Regarding claims 20-23, there is a lack of enablement as to how color codes are associated with a measure of copy fitting.

Regarding claims 18 and 24, there is a lack of enablement as to the implementation of an array of second color codes.

Claim Rejections - 35 USC § 103

Art Unit: 2176

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-12 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Cedar et al. (US Patent No. 6,256,650, filed May 18, 1998 and issued July 3, 2001, hereafter referred to as "Cedar") in view of Hayashi (US Patent No. 5,918,238, issued June 29, 1999, hereafter referred to as "Hayashi").

Regarding independent system claim 1, Cedar discloses:

A method for indicating a measure of a text fill copy fitting, comprising:
detecting a change in a text fill inputted into a text fill box in a computer system; (col. 5 lines 1-5, especially "in response to the editable text being input into the text frame")
measuring a length of the text fill; (col. 5 lines 21-26, especially "the initial dimension of the editable text is a function of the dimensions of the characters" and the note including character width as being encompassed by the Cedar invention)
performing a comparison between the length of the text fill with at least one predetermined length threshold; (col. 5 lines 24-25 discussing character width and col. 7 lines 15-20 discussing a "predetermined range of values") *and*
the associated text portion incorporating the text fill. (col. 8, lines 1-4 discussing the alteration of text to occupy an associated text frame)

However, Cedar does not explicitly disclose:

indicating a compatibility of the text fill with an associated text portion of a document based on the comparison,

Art Unit: 2176

Hayashi, though, discloses:

indicating a compatibility of the text fill with an associated text portion of a document based on the comparison, (col. 6 lines 8-12, discussing the use of color to indicate a condition)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 2, which is dependent upon claim 1, Cedar discloses:

wherein the step of performing the comparison further comprises:

providing a first length threshold in a memory of the computer system, the first length threshold marking a length of the text fill above which a copy fitting of the text fill is performed to fit within the associated text portion; (col. 7 lines 7-24, especially lines 12-13 discussing “95% of the height of the text frame” and col. 5 lines 24-28 regarding character width and the applicability to Cedar) and performing the comparison between the length of the text fill and the first length threshold. (col. 7 lines 12-16, especially the fullness ratio determination, comparing text and text frame dimensions, and col. 5 lines 24-28 regarding character width and the applicability to Cedar)

Regarding claim 3, which is dependent upon claim 1, Cedar discloses:

Art Unit: 2176

wherein the step of performing the comparison further comprises:

providing a length threshold in a memory of the computer system, the second length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion; (col. 7 lines 7-24, especially lines 12-13 discussing "100% of the height of the text frame" and col. 5 lines 24-28 regarding character width and the applicability to Cedar) and

performing the comparison between the length of the text fill and the length threshold. (col. 7 lines 12-16, especially the fullness ratio determination, comparing text and text frame dimensions, and col. 5 lines 24-28 regarding character width and the applicability to Cedar)

Regarding claim 4, which is dependent upon claim 2, Cedar discloses:

wherein the step of indicating the compatibility of the text fill with the associated text portion of the document further comprises indicating that the length of the text fill is less than the first length threshold (col. 1 lines 64-67, regarding "underflow")

However, Cedar does not explicitly disclose:

by displaying a first background color in the text fill box on a display device of the computer system.

Hayashi, though, discloses:

by displaying a first background color in the text fill box on a display device of the computer system. (The first row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a condition less than a threshold [or condition] value)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 5, which is dependent upon claim 2, Cedar discloses:

wherein the step of indicating the compatibility of the text fill with the associated text portion of the document further comprises indicating that the length of the text fill has surpassed the first length threshold (See Fig. 2 #208 and follow the ensuing "YES" branch to #215)

However, Cedar does not explicitly disclose:

by displaying a second background color in the text fill box on a display device of the computer system.

Hayashi, though, discloses:

by displaying a second background color in the text fill box on a display device of the computer system. (The second row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a second condition. See also col. 9 lines 17-19, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 6, which is dependent upon claim 3, Cedar discloses:

wherein the step of indicating the compatibility of the text fill with the associated text portion of the document further comprises indicating that the length of the text fill has surpassed the length threshold (col. 20 lines 1-6 discussing a result above the maximum allowed size, and col. 19 lines 5-12 discussing decreasing the size of the editable text)

However, Cedar does not explicitly disclose:

by displaying a third background color in the text fill box on a display device of the computer system.

Hayashi, though, discloses:

by displaying a third background color in the text fill box on a display device of the computer system. (The third row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a third condition. See also col. 9 lines 21-23, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Art Unit: 2176

Regarding independent computer readable medium claim 7, Cedar discloses:

A computer program embodied in a computer readable medium for indicating a measure of a text fill copy fitting, comprising:

at least one statement for detecting a change in a text fill inputted into a text fill box displayed on a display device; (col. 5 lines 1-5, especially "in response to the editable text being input into the text frame")

at least one statement for measuring a length of the text fill; (col. 5 lines 21-26, especially "the initial dimension of the editable text is a function of the dimensions of the characters" and the note including character width as being encompassed by the Cedar invention)

at least one statement for performing a comparison between the length of the text fill with at least one predetermined length threshold; (col. 5 lines 24-25 discussing character width and col. 7 lines 15-20 discussing a "predetermined range of values") and

the associated text portion incorporating the text fill. (col. 8, lines 1-4 discussing the alteration of text to occupy an associated text frame)

However, Cedar does not explicitly disclose:

at least one statement for indicating a compatibility of the text fill with an associated text portion of a document based on the comparison,

Hayashi, though, discloses:

at least one statement for indicating a compatibility of the text fill with an associated text portion of a document based on the comparison, (col. 6 lines 8-12, discussing the use of color to indicate a condition)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

Art Unit: 2176

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 8, which is dependent upon claim 7, Cedar discloses:

wherein the at least one statement for performing the comparison further comprises:

at least one statement for providing a first length threshold marking a length of the text fill above which a copy fitting of the text fill is performed to fit within the associated text portion; (col. 7 lines 7-24, especially lines 12-13 discussing “95% of the height of the text frame” and col. 5 lines 24-28 regarding character width and the applicability to Cedar) and

at least one statement for performing the comparison between the length of the text fill and the first length threshold. (col. 7 lines 12-16, especially the fullness ratio determination, comparing text and text frame dimensions, and col. 5 lines 24-28 regarding character width and the applicability to Cedar)

Regarding claim 9, which is dependent upon claim 7, Cedar discloses:

wherein the at least one statement for performing the comparison further comprises:

at least one statement for providing a length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion; (col. 7 lines 7-24, especially lines 12-13 discussing “100% of the height of the text frame” and col. 5 lines 24-28 regarding character width and the applicability to Cedar) and

at least one statement for performing the comparison between the length of the text fill and the length threshold. (col. 7 lines 12-16, especially the fullness ratio determination, comparing text and text frame dimensions, and col. 5 lines 24-28 regarding character width and the applicability to Cedar)

Regarding claim 10, which is dependent upon claim 8, Cedar discloses:

wherein the at least one statement for indicating the compatibility of the text fill with the associated text portion of the document further comprises at least one statement for indicating that the length of the text fill is less than the first length threshold (col. col. 1 lines 64-67, regarding “underflow”)

However, Cedar does not explicitly disclose:

by displaying a first background color in the text fill box.

Hayashi, though, discloses:

by displaying a first background color in the text fill box. (The first row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a condition less than a threshold [or condition] value)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 11, which is dependent upon claim 8, Cedar discloses:

wherein the at least one statement for indicating the compatibility of the text fill with the associated text portion of the document further comprises at least one statement for indicating that the length of the text fill has surpassed the first length threshold (See Fig. 2 #208 and follow the ensuing “YES” branch to #215)

However, Cedar does not explicitly disclose:

by displaying a second background color in the text fill box.

Hayashi, though, discloses:

by displaying a second background color in the text fill box. (The second row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a second condition. See also col. 9 lines 17-19, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 12, which is dependent upon claim 9, Cedar discloses:

wherein the at least one statement for indicating the compatibility of the text fill with the associated text portion of the document further comprises at least one statement for indicating that the length of the text fill has surpassed the length threshold (col. 20 lines 1-6 discussing a result above the maximum allowed size, and col. 19 lines 5-12 discussing decreasing the size of the editable text)

However, Cedar does not explicitly disclose:

by displaying a third background color in the text fill box.

Hayashi, though, discloses:

Art Unit: 2176

by displaying a third background color in the text fill box. (The third row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a third condition. See also col. 9 lines 21-23, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

11. **Claims 13-24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Cedar et al. (US Patent No. 6,256,650, filed May 18, 1998 and issued July 3, 2001, hereafter referred to as "Cedar") in view of Kennedy et al. (US Patent No. 6,651,217, filed Sep. 1, 1999, hereafter referred to as "Kennedy") and further in view of Hayashi (US Patent No. 5,918,238, issued June 29, 1999, hereafter referred to as "Hayashi")

Regarding independent method claim 13, Cedar discloses:

A method for indicating a measure of a text fill copy fitting, comprising:
detecting a layout event in a digital document in a client device triggered by a user input; (col. 5 lines 1-5, especially "in response to the editable text being input into the text frame")
to perform a layout operation on the digital document upon an occurrence of the layout event; (col. 6 line 65 continuing over to col. 7 line 1, discussing a

Art Unit: 2176

layout operation in which dimensions of editable text are changed to ideal dimensions)

However, Cedar does not explicitly disclose:

transmitting the digital document to a server via a network

Kennedy, though, discloses:

transmitting the digital document to a server via a network (col. 5 lines 49-55, discussing the browser sending data to a server)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kennedy for the benefit of Cedar because to do so would enable a programmer to implement an on-line shopping service as taught by Kennedy in col. 5 lines 63-65.

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kennedy for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Cedar further discloses:

identifying a measure of a copy fitting of a text fill in a portion of the digital document by the layout operation in the server; (col. 5 lines 24-25 discussing character width and col. 7 lines 15-20 discussing a “predetermined range of values”) *and*

However, Cedar does not explicitly disclose:

generating an indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document.

Art Unit: 2176

Hayashi, though, discloses:

generating an indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document. (col. 6 lines 8-12, discussing the use of color to indicate a condition)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kennedy and Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 14, which is dependent upon claim 13, Cedar does not explicitly disclose:

wherein the step of generating the indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document further comprises the step of generating a display of a color code on a display device of the client, the color code being associated with the measure of the copy fitting of the text fill.

Hayashi, though, discloses:

Art Unit: 2176

wherein the step of generating the indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document further comprises the step of generating a display of a color code on a display device of the client, the color code being associated with the measure of the copy fitting of the text fill. (col. 6 lines 8-12, discussing the use of color to indicate a condition)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 15, which is dependent upon claim 14, Cedar does not explicitly disclose:

wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server.

Hayashi, though, discloses:

wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the

Art Unit: 2176

layout operation in the server. (The first row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a condition less than a threshold [or condition] value)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 16, which is dependent upon claim 14, Cedar does not explicitly disclose:

wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server.

Hayashi, though, discloses:

wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server. (The second row of the Fig. 2 table

Art Unit: 2176

showing the use of color [especially cell area or background color] to indicate a second condition. See also col. 9 lines 17-19, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 17, which is dependent upon claim 14, Cedar does not explicitly disclose:

wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a third color code that is associated with the text fill, the third color code indicating that the text fill was unrecognizably copy fitted during the layout operation in the server.

Hayashi, though, discloses:

wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a third color code that is associated with the text fill, the third color code indicating that the text fill was unrecognizably copy fitted during the layout operation in the server. (The third row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a third condition. See also col. 9 lines 21-23, discussing this row.)

Art Unit: 2176

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 18, which is dependent upon claim 16, Cedar does not explicitly disclose:

wherein the step of generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server further comprises the step of generating one of an array of second color codes, each of the second color codes indicating a predefined measure of a recognizable copy fitting of the text fill.

Hayashi, though, discloses:

wherein the step of generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server further comprises the step of generating one of an array of second color codes, each of the second color codes indicating a predefined measure of a recognizable copy fitting of the text fill. (The second row of the Fig. 2 table showing the use of color [especially character color and cell area or background color, i.e., an array of two color codes] to indicate a second condition. See also col. 9 lines 17-19, discussing this row.)

Art Unit: 2176

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding independent computer readable medium claim 19, Cedar discloses:

A computer program embodied in the computer readable medium for indicating a measure of a text fill copy fitting, comprising:

logic for detecting a layout event in a digital document in a client device;
(col. 5 lines 1-5, especially “in response to the editable text being input into the text frame”)

to perform a layout operation on the digital document upon an occurrence of the layout event; (col. 6 line 65 continuing over to col. 7 line 1, discussing a layout operation in which dimensions of editable text are changed to ideal dimensions)

However, Cedar does not explicitly disclose:

logic for transmitting the digital document to a server via a network

Kennedy, though, discloses:

logic for transmitting the digital document to a server via a network (col. 5 lines 49-55, discussing the browser sending data to a server)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kennedy for the benefit of Cedar because to do so would enable a

Art Unit: 2176

programmer to implement an on-line shopping service as taught by Kennedy in col. 5 lines 63-65.

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kennedy for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Cedar further discloses:

logic for identifying a measure of a copy fitting of a text fill in a portion of the digital document by the layout operation in the server; (col. 5 lines 24-25 discussing character width and col. 7 lines 15-20 discussing a "predetermined range of values") and

However, Cedar does not explicitly disclose:

logic for generating an indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document.

Hayashi, though, discloses:

logic for generating an indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document. (col. 6 lines 8-12, discussing the use of color to indicate a condition)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract ("emphasis is given to the document element").

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these

Art Unit: 2176

references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kennedy and Hayashi for the benefit Cedar because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 20, which is dependent upon claim 19, Cedar does not explicitly disclose:

wherein the logic for generating the indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document further comprises logic for generating a display of a color code on a display device of the client, the color code being associated with the measure of the copy fitting of the text fill.

Hayashi, though, discloses:

wherein the logic for generating the indication in the client for view by the user of the measure of the copy fitting of the text fill in the portion of the digital document further comprises logic for generating a display of a color code on a display device of the client, the color code being associated with the measure of the copy fitting of the text fill. (col. 6 lines 8-12, discussing the use of color to indicate a condition)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these

Art Unit: 2176

references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 21, which is dependent upon claim 20, Cedar does not explicitly disclose:

wherein the logic for generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises logic for generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server.

Hayashi, though, discloses:

wherein the logic for generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises logic for generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server. (The first row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a condition less than a threshold [or condition] value)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these

Art Unit: 2176

references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 22, which is dependent upon claim 20, Cedar does not explicitly disclose:

wherein the logic for generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises logic for generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server.

Hayashi, though, discloses:

wherein the logic for generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises logic for generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server. (The second row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a second condition. See also col. 9 lines 17-19, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these

Art Unit: 2176

references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 23, which is dependent upon claim 20, Cedar does not explicitly disclose:

wherein the logic for generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises logic for generating a third color code that is associated with the text fill, the third color code indicating that the text fill was unrecognizably copy fitted during the layout operation in the server.

Hayashi, though, discloses:

wherein the logic for generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises logic for generating a third color code that is associated with the text fill, the third color code indicating that the text fill was unrecognizably copy fitted during the layout operation in the server. (The third row of the Fig. 2 table showing the use of color [especially cell area or background color] to indicate a third condition. See also col. 9 lines 21-23, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these

Art Unit: 2176

references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Regarding claim 24, which is dependent upon claim 22, Cedar does not explicitly disclose:

wherein the logic for generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server further comprises logic for generating one of an array of second color codes, each of the second color codes indicating a predefined measure of a recognizable copy fitting of the text fill.

Hayashi, though, discloses:

wherein the logic for generating a second color code that is associated with the text fill, the second color code indicating that the text fill was recognizably copy fitted during the layout operation in the server further comprises logic for generating one of an array of second color codes, each of the second color codes indicating a predefined measure of a recognizable copy fitting of the text fill. (The second row of the Fig. 2 table showing the use of color [especially character color and cell area or background color, i.e., an array of two color codes] to indicate a second condition. See also col. 9 lines 17-19, discussing this row.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit of Cedar and Kennedy because to do so would enable a programmer to provide emphasis to a particular element as taught by Hayashi in the last sentence of the Abstract (“emphasis is given to the document element”).

It also would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Hayashi for the benefit Cedar and Kennedy because these references were all applicable to the same field of endeavor, i.e., data entry into electronic documents.

Response to Arguments

12. Applicant's arguments filed 11/18/2004 have been fully considered but they are not persuasive.

Regarding the p. 10 remark concerning the FAOM objection specification informalities: As previously stated, The Office withdraws the FAOM objections to the specification in light of the amendment and Applicant's implicit guarantee that no other spelling/grammatical/etc. errors exist throughout the specification (including drawings and claims).

Regarding the p. 10 remark concerning the FAOM rejection of claims 4-6, 9-12, 14-18 and 20-24 under 35 USC 112 1st paragraph: Applicant asserts that enablement exists somewhere within the specification, including the drawings, yet does not point to any specific passages. If these claim limitations that the Office asserts are not enabled, are in fact performed by conventional techniques well known in the art, then Applicant should state as such. As previously stated, the Office maintains the 35 USC 112 1st paragraph rejections raised in the FAOM, in view of the amendment.

Regarding the p. 10 remark concerning the FAOM rejection of claims 3, 6, 9 and 12 under 35 USC 112 2nd paragraph: As previously stated, the Office withdraws the 35 USC 112 2nd paragraph rejections raised in the FAOM, in view of the amendment.

Art Unit: 2176

Regarding the pp. 10-11 remarks concerning the FAOM rejections of claims 1-12 under 35 USC 103 (a) as being unpatentable over Cedar in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Cedar teaches the comparison limitation. Hayashi teaches the use of color to indicate a condition. The FAOM rejections are based upon the combination of Cedar in view of Hayashi. Taken in combination, these references taught independent claims 1 and 7. Claims 2-6 and 8-12 are dependent upon claims 1 and 7, respectively. The Office therefore maintains the FAOM rejections of claims 1-12 under 35 USC 103 (a) as being unpatentable over Cedar in view of Hayashi.

Regarding the pp. 11-13 remarks concerning the FAOM rejections of claims 2 and 8 under 35 USC 103 (a) as being unpatentable over Cedar in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Cedar teaches the use of a threshold (95%) and a height in col. 7 lines 12-16, but further indicates that character width may also be used in col. 5 lines 24-28. Additionally, Applicant asserts that because a range is specified that a copy fitting must take place. However, the Office note that a minimum allowed font size is a range delimiter, implying that if the minimum cannot be attained, then copy fitting does not take place. The Office therefore maintains the FAOM rejections of claims 2 and 8 under 35 USC 103 (a) as being unpatentable over Cedar in view of Hayashi.

Regarding the pp. 13-14 remarks concerning the FAOM rejections of claims 3 and 9 under 35 USC 103 (a) as being unpatentable over Cedar in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Cedar teaches the use of a threshold (95%)

Art Unit: 2176

and a height in col. 7 lines 12-16, but further indicates that character width may also be used in col. 5 lines 24-28. Additionally, Applicant asserts that because a range is specified that a copy fitting must take place. However, the Office notes that a maximum allowed font size is a range delimiter, implying that if the maximum cannot be attained, then copy fitting does not take place. The Office therefore maintains the FAOM rejections of claims 3 and 9 under 35 USC 103 (a) as being unpatentable over Cedar in view of Hayashi.

Regarding the p. 14 remarks concerning the FAOM rejections of claims 13-24 under 35 USC 103 (a) as being unpatentable over Cedar in view of Kennedy and further in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Applicant asserts "the same reasons with respect to claim 1". The Office discussed the claim 1 remarks above, concluding that a prima facie case of obviousness was established. The Office therefore maintains the FAOM rejections of claims 13-24 under 35 USC 103 (a) as being unpatentable over Cedar in view of Kennedy and further in view of Hayashi.

Regarding the pp. 14-15 remarks concerning the FAOM rejections of claims 15 and 21 under 35 USC 103 (a) as being unpatentable over Cedar in view of Kennedy and further in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Applicant claims the use of two colors to indicate two conditions. The attacked reference, Hayashi, also indicates colors to indicate conditions, as stipulated by Applicant. The number of conditions/colors and the types of conditions are merely a matter of obvious design choice. The Office therefore

Art Unit: 2176

maintains the FAOM rejections of claims 15 and 21 under 35 USC 103 (a) as being unpatentable over Cedar in view of Kennedy and further in view of Hayashi.

Regarding the p. 15 remarks concerning the FAOM rejections of claims 16-18 and 22-24 under 35 USC 103 (a) as being unpatentable over Cedar in view of Kennedy and further in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Applicant asserts that the specific conditions associated with colors are not taught by the Hayashi reference. The Office respectfully counters that the types of conditions selected by Applicant are merely a matter of obvious design choice. The Office therefore maintains the FAOM rejections of claims 16-18 and 22-24 under 35 USC 103 (a) as being unpatentable over Cedar in view of Kennedy and further in view of Hayashi.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2176

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102.

The examiner can normally be reached on M-F 6:00 - 2:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
Art Unit 2176
Date: March 11, 2005

rms



SANJIV SHAH
PRIMARY EXAMINER